

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RUSSELL F. SHEEHAN, as he is ADMINISTRATOR, ELECTRICAL WORKERS' HEALTH AND WELFARE FUND, LOCAL 103, I.B.E.W.; ELECTRICAL WORKERS' PENSION FUND, LOCAL 103, I.B.E.W.; ELECTRICAL WORKERS' SUPPLEMENTARY HEALTH AND WELFARE FUND, LOCAL 103, I.B.E.W.; ELECTRICAL WORKERS' DEFERRED INCOME FUND, LOCAL 103, I.B.E.W.; ELECTRICAL WORKERS' JOINT APPRENTICESHIP AND TRAINING FUND, LOCAL 103, I.B.E.W.; ELECTRICAL WORKERS' EDUCATIONAL AND CULTURAL FUND; ANTHONY J. SALAMONE, as he is ADMINISTRATOR, NATIONAL ELECTRICAL BENEFIT FUND; and LOCAL 103, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,

C.A. No. 04-10282 RGS

Plaintiffs

vs.

THIBAULT CONTROLS, LLC,
Defendant

and

FLEET BANK,
Trustee

**MOTION FOR AN EX PARTE ORDER OF
ATTACHMENT BY TRUSTEE PROCESS**

Now come the plaintiffs in the above-entitled matter and move this Court, pursuant to Rule 64 of the Federal Rules of Civil Procedure, G.L. c. 246 and Rule 4.2 of the Massachusetts Rules of Civil Procedure, for an Ex Parte Order of Attachment by Trustee Process of the bank

accounts of defendant Thibault Controls LLC ("Thibault") currently held by Fleet Bank ("Bank"), subject to the statutory exemptions of M.G.L. c. 246 and Title II of the Federal Consumer Credit Protection Act, 15 U.S.C. §1673, to the value of \$50,086.32, representing the demand for judgment, attorneys' fees and costs. This does not include an as yet unliquidated amount owed for interest and damages.

In support thereof, plaintiffs state there is a substantial likelihood that the Funds will recover a judgment, including unpaid contributions, liquidated damages, interest, attorneys' fees and costs, in an amount equal to or greater than the amount of the attachment and that on information and belief, no liability insurance is available to satisfy the judgment.

In support of this Motion, plaintiffs rely on a Memorandum of Law submitted herewith and the Affidavits of Russell Sheehan and Anne R. Sills, and other pleadings on file in this case.

Respectfully submitted,

RUSSELL SHEEHAN, as he is
ADMINISTRATOR, ELECTRICAL
WORKERS' HEALTH AND WELFARE
FUND, LOCAL 103, et al,

By their attorneys,


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Dated: March 4, 2004